IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MS JUSTICE G.ROHINI

-

WRIT PETITION No.14269 of 2004

Between:

Sri Venkateswara Mahila Group Chinthamakulapalle village,
V. Kota Mandal, Chittoor District, rep. by Smt. G. Kalyanamma,
37 Years, R/o. Chinthamakulapalle Vill, V. Kota Mandal,

Chittoor District.

..... PETITIONER

AND

1 Sub Collector, Madanapalle, Chittoor District.
2 The District Collector, Chittoor, Chittoor District.
3 Gramalakshmi Gandhi SHG rep. by Smt. G.S.Swarna
W/o. Sri Radhappa, Age, 16 years, Chinthamakulapalle Village,
V. Kota Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the proceedings No. D.Dis.A.3/762/04 Dt. 16.7.2004 issued by the first respondent is illegal, arbitrary and set side the same and consequently direct the first and second respondents to appoint the petitioner as fair price shop dealer of Chinthamakupalle village, V. Kota Mandal, Kuppam, Chittoor District, in the interest of justice.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondent Nos.1 &2: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

This writ petition is filed challenging the proceedings dated 16.7.2004 issued by the Sub Collector, Madanapalle, Chittoor District appointing the third respondent herein as fair price shop dealer of Chinthamakulapalle village in V. Kota Mandal of Chittoor District.

The petitioner contends that Smt. G. S. Swarna, who is representing the third respondent, is not eligible for appointment as fair price shop dealer since she is minor, aged 16 years and studied up to 8th class only.

Admittedly against the order impugned, an alternative remedy is available under the statute by way of appeal. Without exhausting the alternative remedy available under the statute, the writ petition cannot be maintained.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal as against the order of the first respondent dated 16.7.2004.

It is made clear that this Court has not expressed any opinion on the merits of the case. In the event of the petitioner preferring an appeal, the appellate authority may consider and dispose of the same in accordance with law.

Date : August 12, 2004. **G. ROHINI, J**

YS

Note:

Issue C.C. in

three days.

(B/o)

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Sub Collector, Madanapalle, Chittoor District.
2 The District Collector, Chittoor, Chittoor District.
3 Two CCs to the Government Pleader for Civil Supplies,

High Court of A.P., Hyderabad (O.U.T)

4 Two C.D. copies.